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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/889,975	07/10/97	JANAY	G 30/01

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LM02/1117

EXAMINER

LUU, L

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

11/17/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

1. Claims 1-6 are presented for examination.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "said NC terminal" lacks positive antecedent basis. For purpose of examination, Examiner assume applicant means "said terminal".
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.
5. Claims 1-4 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Butts et al (Butts) patent no. 5,754,830.**

6. As to claim 1, Butts teaches the invention as claimed, including a method of communicating between a host computer and a remote terminal over a data network (figure 1) comprising the steps of:

establishing a first communication session between said terminal and a communication server (col. 3 lines 53-65);

downloading, from said server to said terminal, communications software for communicating between said terminal and said host (col. 3 lines 53-65);

utilizing said communications software to implement a second communications session between said terminal and said host (col. 3 line 66 - col. 4 line 14).

7. As to claim 2, Butts teaches specifying, during said first communications session, which communication software is desired to be downloaded (col. 4 lines 15-31).

8. As to claim 3, Butts teaches receiving, during said second communications session, information from said host at said terminal; decoding the information at said terminal; sending the decoded information to said server over said network; in response to said step of sending, transmitting from said server to said terminal, presentation information specifying how information received from said host at said terminal should be presented to a user of said terminal (col. 3 line 66 - col. 4 line 31, col. 5 line 65 - col. 6 line 10).

9. As to claims 4 and 6, Butts teaches identifying, at said terminal, cursor position and screen information, said information being based upon which screen is being displayed and a position on that screen of a cursor; assembling, at said terminal, a data structure indicative of said cursor position and screen information; transmitting said data structure to said server; and conveying, in response to said step of transmitting, context sensitive display information from said server to said terminal wherein said context sensitive display information is a list of available choices for a field (col. 5 line 65 - col. 6 line 10).

10. The following is a quotation of 35 U.S.C. § 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Butts et al (Butts)** patent no. **5,754,830**.

12. As to claim 5, Butts teaches the invention substantially as claimed as discussed above. In addition, Butts teaches said terminal comprises personal computer or computer

Serial Number: 08/889,975
Art Unit: 2756

5

workstation (col. 3 lines 53-65), but Butts does not explicitly teach said terminal is network computer (NC) terminal. Official Notice is taken that NC terminal is well known.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to use Butts's invention in NC terminal because it would allow many different types of computers including the NC terminal to connect to host systems using applet software downloads from said server.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank J. Asta, can be reached at (703) 305-3817.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Serial Number: 08/889,975
Art Unit: 2756

6

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Le H. Luu', with a long horizontal line extending from the end of the signature.

Le H. Luu

November 10, 1998